

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODNEY LLOYD,

Defendant.

No. CR92-2008-MJM

**FINAL ORDER REGARDING
MOTION FOR SENTENCE
REDUCTION PURSUANT TO
18 U.S.C. § 3582(c)(2)**

This matter is before the court pursuant to its July 21, 2008 order. In such order, the court, among other things, discussed several amendments to the Guidelines Manual, including Amendment 706 and Amendment 715, and it stated:

Having reviewed the defendant's file, the provisions and commentary of USSG §1B1.10, the factors set forth in 18 U.S.C. § 3553(a), the nature and seriousness of the danger to any person or community that may be posed by a reduction in the defendant's term of imprisonment and the defendant's post-sentencing conduct, the court preliminarily deems it appropriate to exercise its discretion and grant the defendant the maximum reduction permitted under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10. The maximum reduction results in a new term of 262 months imprisonment on count 1, count 2, count 3, count 4 and count 5.

The court also notified the parties that they needed to file written objections to the proposed reduction to the defendant's sentence and that, if neither party objected, an order would be filed that makes final the new term of imprisonment.

Neither party filed objections to the court's July 21, 2008 order. Consequently, the court, under 18 U.S.C. § 3582(c)(2), grants a reduction in the defendant's term of imprisonment. The defendant's previously imposed 324 month term of imprisonment, as reflected in the judgment dated February 2, 1994, is reduced to 262 months

imprisonment.¹ The defendant's new term of 262 months imprisonment applies to count 1 through count 5 of the superseding indictment. Except as provided above, all provisions of the judgment dated February 2, 1994 remain in effect. As previously stated in the July 21, 2008 order and without a separate order from the court, the duration and conditions of the defendant's supervised release remain unchanged.

The Clerk of Court is directed to send a copy of this order to the Bureau of Prisons, that is, the place where the defendant is currently incarcerated. The Clerk of Court is also directed to send a copy of this order to the defendant, USM No. 09664-424, and the Federal Public Defender.

IT IS SO ORDERED.

DATED this 27 day of August, 2008.



Michael J. Melloy
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

¹ For purposes of the July 21, 2008 order and the instant order, the court relied on the following determinations:

Previous Offense Level:	38	Amended Offense Level:	36
Criminal History Category:	IV	Criminal History Category:	IV
Previous Guideline Range:	324 to 405 months	Amended Guideline Range:	262 to 327 months

The reduced sentence of 262 months imprisonment is within the amended guideline range.